

ORIGINAL

SEALED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

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DEPUTY CLERK

UNITED STATES OF AMERICA, *et al.*,
ex rel. TRACY GARSTKA, *et al.*,

Plaintiffs,

v.

MEDTRONIC, INC., d/b/a MEDTRONIC
DIABETES, *et al.*,

Defendants.

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Civil Action No. 3-11-cv-0486-P

FILED IN SEALED CASE

JOINT STIPULATION OF PARTIAL DISMISSAL OF CIVIL ACTION

Plaintiffs United States of America (Government) and relators Tracy Garstka and Kimberlie Figg (collectively "relator"), by and through their respective undersigned attorneys, stipulate to the dismissal of the civil action against defendants Medtronic, Inc. d/b/a Medtronic Diabetes and Medtronic Minimed, Inc. d/b/a Medtronic Diabetes, Inc. (collectively "Medtronic") (hereinafter collectively "Parties") filed in the United States District Court for the Northern District of Texas captioned *USA, et al. ex rel. Tracy Gartska v. Medtronic, Inc., d/b/a Medtronic Diabetes, et al.*; Civil Action No. 3:11-cv-0486-P (Civil Action) as follows:

1. The Parties have executed a written agreement (Agreement) in compromise and settlement of the Government's and relator's claims against Medtronic for the

covered conduct as defined in the Agreement. This pleading is consistent with the terms of the Agreement.

2. The Government and relator agree that all claims and issues regarding relator's share have been compromised and resolved with the Government. Claims for relator's attorney fees and costs against Medtronic also have been fully compromised and resolved.

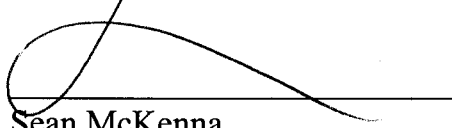
3. Accordingly, the Parties request that pursuant to FED. R. CIV. P. 41(a) and 31 U.S.C. § 3730(b)(1), the Civil Action against defendant Medtronic only be dismissed with prejudice as to the Government for the covered conduct as defined in the Agreement and without prejudice as to the remaining defendants/claims, in which the Government has declined to intervene and consents to their dismissal without prejudice as to the Government, and with prejudice as to all relator's claims against Medtronic only, consistent with the Agreement. The Parties thus ask the Court to enter the proposed stipulated Order of dismissal.

4. The Parties agree that the Court will retain jurisdiction over the Parties to the extent necessary to enforce the terms and conditions of the Agreement between the Government, relator, and Medtronic, to adjudicate any suits alleging breach of the settlement agreement, or any non-dismissed claims or defendants.

5. The United States also asks that all sealed materials remain sealed, consistent with the Court's prior Orders.

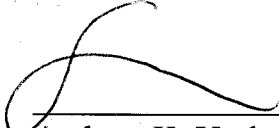
Respectfully submitted,

SARAH R. SALDAÑA
UNITED STATES ATTORNEY



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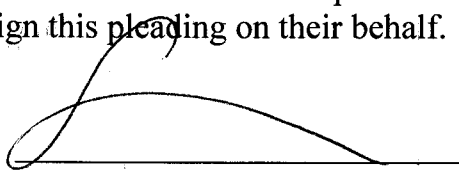


(w/ permission)
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CERTIFICATE OF CONFERENCE

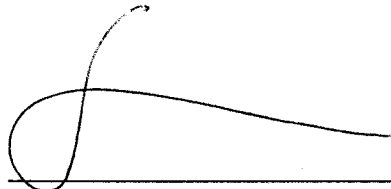
I hereby certify that my office contacted counsel for relator and the State of Texas regarding this pleading, and they concur with the relief requested therein, as well authorize the United States of America to sign this pleading on their behalf.



Sean McKenna
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that on September 23, 2013, a copy of the foregoing pleading and proposed Order were sent via electronic mail to all counsel of record.

A handwritten signature in black ink, consisting of a large loop followed by a horizontal stroke that tapers to the right.

Sean McKenna
Assistant United States Attorney